



Amendments to Incinerators and Carbon Monoxide Emission Limits; Repeal of Employee Commute Options

#00-44(APCB) / LSA Document #00-44

Overview

This rulemaking amends Indiana's incinerator rules and repeals the employee commute options rule.

Citations Affected

Amends 326 IAC 4-2, 326 IAC 9-1, and repeals 326 IAC 19-1.

Affected Persons

Incinerator sources.

Reason(s) for the Rule

These rules were opened because of comments received during the sunset rulemaking process.

Economic Impact of the Rule

There should be no costs associated with this rulemaking since it establishes no new standards, clarifies the language, and provides sources with more operational flexibility.

Benefits of the Rule

Sources may save resources and money because the rule reduces overlap with federal rules. Both sources and the public will benefit from having the rules updated and clarified.

Description of the Rulemaking Project

326 IAC 4-2 addresses particulate matter and general incinerator operation procedures. 326 IAC 9-1 addresses carbon monoxide emissions from stationary sources including incinerators. While sunset no longer applies to these two rules, IDEM is updating 326 IAC 4-2 and 326 IAC 9-1 to reflect more current incinerator operations and to clarify language.

This rulemaking will also repeal 326 IAC 19-1 concerning employee commute options. The employee commute options program was originally required by Section 182(d)(1)(B) of the Clean Air

Act (Act), but in December 1995, Congress amended the Act to allow states to withdraw this program from their state implementation plans. IDEM has not implemented the program and therefore is repealing 326 IAC 19-1.

326 IAC 4-2 was promulgated in 1968 and 326 IAC 9-1 was promulgated in 1972. In recent years, U.S. EPA has issued many federal incinerator standards. One of the main goals of this rulemaking is to allow sources subject to more stringent federal standards to be exempt from overlapping standards in the state rules. Another goal is to provide sources more flexibility regarding operations and maintenance standards by allowing the sources an operation and maintenance plan as an alternative to manufacturer's specifications.

Scheduled Hearings

First Public Hearing: March 7, 2001; Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, IN.

Second Public Hearing: June 5, 2002; Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, IN.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing

water quality, as appropriate.

5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant, animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rules and repealed rule are consistent with federal laws.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Air Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Gayla Killough, Rules/Regulatory Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).